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61539 7590 12/20/2007 MH2 TECHNOLOGY LAW GROUP (Customer No.w/IBM/SVL) 1951 KIDWELL DRIVE SUITE 550 TYSONS CORNER, VA 22182			EXAMINER STACE, BRENT S	
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**Technology Center 2100**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/758,501  
Filing Date: January 16, 2004  
Appellant(s): BENSON ET AL.

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Barbara A. Fisher  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 10/23/07 appealing from the Office action  
mailed 5/22/07.

**(1) Real Party in Interest**

A statement identifying the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

Plumley, Sue, "Ten Minute Guide to Windows NT Workstation 4.0" Que Publishing, (Aug. 09, 1996), pp. 1-3 x2

Pogue, David, "Mac OS X: The Missing Manual" second ed., Pogue Press/O'Reilly & Associates (Nov. 2002), cover, 1st page and pp. 63

Microsoft Corp. "About Windows: Confirm File Replace" Microsoft Windows XP SP1, (2002), pp. 1-4

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

#### ***Specification***

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Appellant's cooperation is requested in correcting any errors of which Appellant may become aware in the specification.

#### ***Drawings***

Since the lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors, Appellant's cooperation is requested in correcting any errors of which Appellant may become aware in the drawings. For example, the drawings should be carefully checked to ensure that all reference numerals are described in the specification, that no one reference numeral describes two separate drawing elements, or that the specification contains no reference to numerals not in the drawings.

***Claim Objections***

In light of the Appellant's respective arguments or respective amendments, the previous claim objections to the claims have been withdrawn.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Appellant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-7, 9-16, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over "The Minute Guide to Windows NT Workstation 4.0" (WindowsNT) in view of U.S. Patent No. 5,937,406 (Balabine et al.).

For **Claim 1**, WindowsNT teaches: "A method of validating a request in connection with..., [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2] said method comprising:

- receiving a request that affects an item; [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2]
- identifying a version of the item based on a first time; [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2]
- determining whether the request affects an object associated with the item; [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2]
- identifying a version of the object based on a second time when the request affects the object; [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2] and
- completing the request based on the version of the item and the version of the object" [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2].

WindowsNT discloses the above limitations but does not expressly teach: "...an interactive content database."

With respect to Claim 1, an analogous art, Balabine, teaches: "...an interactive content database" [Balabine, col. 6, lines 50-56 with Balabine, col. 8, lines 3-17 with Balabine, Fig. 5C].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Balabine and WindowsNT before him/her to combine Balabine with WindowsNT because both inventions are directed towards file manipulation operations.

Balabine's invention would have been expected to successfully work well with WindowsNT's invention because Balabine states that WindowsNT can be used to implement his invention (Balabine, col. 8, lines 51-54 with Balabine, col. 9, lines 1-3 with Balabine, col. 9, lines 13-17). WindowsNT discloses a computer operating system comprising a message to confirm a file replace operation. However, WindowsNT does not expressly disclose an interactive content database. Balabine discloses a file system interface to a database comprising displaying a database as a set of files where all file system operations are intercepted and translated into database commands.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Balabine and WindowsNT before him/her to take the database accessing techniques from Balabine and install it into the invention of WindowsNT, thereby offering the obvious advantage of sharing data seamlessly with both database-aware and database-unaware applications (Balabine, col. 3, lines 49-51).

**Claim 2** can be mapped to WindowsNT (as modified by Balabine) as follows:

"The method of claim 1, wherein receiving the request comprises receiving a request for

deleting the item" [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2].

**Claim 3** can be mapped to WindowsNT (as modified by Balabine) as follows:

"The method of claim 1, wherein identifying the version of the item comprises retrieving a timestamp for the item" [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2].

**Claim 4** can be mapped to WindowsNT (as modified by Balabine) as follows:

"The method of claim 1, wherein identifying the version of the item comprises retrieving the timestamp and an identifier for the item" [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2].

**Claim 5** can be mapped to WindowsNT (as modified by Balabine) as follows:

"The method of claim 1, wherein identifying the version of the object comprises retrieving a timestamp for the object" [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2].

**Claim 6** can be mapped to WindowsNT (as modified by Balabine) as follows:

"The method of claim 1, wherein identifying the version of the object comprises retrieving the timestamp and an identifier for the object" [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2].

**Claim 7** can be mapped to WindowsNT (as modified by Balabine) as follows:

"The method of claim 1, wherein completing the request based on the version of the item and the version of the object comprises:



- determining whether the version of the item matches the version of the object;  
[WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2] and
- completing the request when the versions of the item and object match"  
[WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2].

**Claim 9** encompasses substantially the same scope of the invention as that of Claim 1, in addition to an apparatus and some means for performing the method steps of Claim 1. Therefore, Claim 9 is rejected for the same reasons as stated above with respect to Claim 1.

**Claims 10-14 and 16** encompass substantially the same scope of the invention as that of Claims 1-5 and 7, respectfully, in addition to an application program stored on a computer readable medium and some program code for performing the method steps of Claims 1-5 and 7, respectfully. Therefore, Claims 10-14 and 16 is rejected for the same reasons as stated above with respect to Claims 1-5 and 7, respectfully.

**Claim 15's** limitation(s) have already been met by Claim 6's limitation(s). Therefore, Claim 15 is rejected for the same reason(s) as stated above with respect to Claim 6.

For **Claim 18**, WindowsNT teaches: "A method of processing requests that delete an item in connection with..., wherein the item includes associated objects, [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2] said method comprising:

- receiving a request that deletes an item; [WindowsNT, Moving or Copying Files or Folders, the “Warning” section that spans pages 1-2]
- identifying a first age of the item affected by the request; [WindowsNT, Moving or Copying Files or Folders, the “Warning” section that spans pages 1-2]
- retrieving information indicating a second age of at least one associated object; [WindowsNT, Moving or Copying Files or Folders, the “Warning” section that spans pages 1-2] ...
- ...selectively deleting the item and the at least one associated object based on whether the first age of the item is greater than or equal to the second age of the at least one associated object” [WindowsNT, Moving or Copying Files or Folders, the “Warning” section that spans pages 1-2].

WindowsNT discloses the above limitations but does not expressly teach: “...an interactive content database

- ...tracking and recording transaction attributes of the first age of the item and the second age of the at least one associated object.”

With respect to Claim 18, an analogous art, Balabine, teaches: “...an interactive content database [Balabine, col. 6, lines 50-56 with Balabine, col. 8, lines 3-17 with Balabine, Fig. 5C]

- ...tracking and recording transaction attributes of the first age of the item and the second age of the at least one associated object” [Balabine, col. 4, lines 56-61 with Balabine, col. 6, lines 47-57 with Balabine, col. 7, lines 15-31].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Balabine and WindowsNT before him/her to combine Balabine with WindowsNT because both inventions are directed towards file manipulation operations.

Balabine's invention would have been expected to successfully work well with WindowsNT's invention because Balabine states that WindowsNT can be used to implement his invention (Balabine, col. 8, lines 51-54 with Balabine, col. 9, lines 1-3 with Balabine, col. 9, lines 13-17). WindowsNT discloses a computer operating system comprising a message to confirm a file replace operation. However, WindowsNT does not expressly disclose an interactive content database or tracking and recording (logging) of transaction attributes. Balabine discloses a file system interface to a database comprising displaying a database as a set of files where all file system operations are intercepted and translated into database commands where the database has logging facilities.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Balabine and WindowsNT before him/her to take the database accessing techniques from Balabine and install it into the invention of WindowsNT, thereby offering the obvious advantage of sharing data seamlessly with both database-aware and database-unaware applications (Balabine, col. 3, lines 49-51) and maintaining a record of transactions for bookkeeping or auditing purposes as a feature of using a database (Balabine, col. 4, lines 56-61).

**Claim 19** encompasses substantially the same scope of the invention as that of Claim 18, in addition to an apparatus and some means for performing the method steps of Claim 18. Therefore, Claim 19 is rejected for the same reasons as stated above with respect to Claim 18.

For **Claim 20**, WindowsNT teaches: "A method of validating a request, [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2] said method comprising:

- ...receiving a request that affects an item; [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2]
- identifying a version of the item based on a first time; [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2]
- determining whether the request affects an object associated with the item; [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2]
- identifying a version of the object based on a second time when the request affects the object; [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2] and
- completing the request based on the version of the item and the version of the object" [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2].

WindowsNT discloses the above limitations but does not expressly teach:

- "...providing a library server database including accessible items therein."

With respect to Claim 20, an analogous art, Balabine, teaches:

- "...providing a library server database including accessible items therein"

[Balabine, col. 7, lines 12-15].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Balabine and WindowsNT before him/her to combine Balabine with WindowsNT because both inventions are directed towards file manipulation operations.

Balabine's invention would have been expected to successfully work well with WindowsNT's invention because Balabine states that WindowsNT can be used to implement his invention (Balabine, col. 8, lines 51-54 with Balabine, col. 9, lines 1-3 with Balabine, col. 9, lines 13-17). WindowsNT discloses a computer operating system comprising a message to confirm a file replace operation. However, WindowsNT does not expressly disclose an interactive content database or a library server database. Balabine discloses a file system interface to a database comprising displaying a database as a set of files where all file system operations are intercepted and translated into database commands and BEM modules (library server database).

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Balabine and WindowsNT before him/her to take the database accessing techniques from Balabine and install it into the invention of WindowsNT, thereby offering the obvious advantage of sharing data seamlessly with both database-aware and database-unaware applications (Balabine, col. 3, lines 49-51) and using BEM modules to have different formats and ways of accessing the same data

tailored to the user/specification(s) (Balabine, col. 7, lines 13-19 with Balabine, col. 7, lines 50-57).

Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over "The Minute Guide to Windows NT Workstation 4.0" (WindowsNT) in view of U.S. Patent No. 5,937,406 (Balabine et al.), further in view of "Mac OS X: The Missing Manual" (MacOSX).

For **Claim 8**, WindowsNT (as modified by Balabine) teaches: "The method of claim 1, wherein completing the request based on the version of the item and the version of the object comprises."

WindowsNT (as modified by Balabine) discloses the above limitation but does not expressly teach:

- "determining whether the version of the item is older than the version of the object; and
- completing the request when the version of the item is older than the version of the object."

With respect to Claim 8, an analogous art, MacOSX, teaches:

- "determining whether the version of the item is older than the version of the object; [MacOSX, second tip] and
- completing the request when the version of the item is older than the version of the object" [MacOSX, second tip with WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of MacOSX and WindowsNT (as modified by Balabine) before him/her to combine MacOSX with WindowsNT (as modified by Balabine) because both inventions are directed towards copying/moving/replacing/deleting files on a computer.

MacOSX's invention would have been expected to successfully work well with WindowsNT (as modified by Balabine)'s invention because both inventions use computers with GUI file interfaces. WindowsNT (as modified by Balabine) discloses an operating system comprising GUI for file management. However, WindowsNT (as modified by Balabine) does not expressly disclose determining whether the version of the item is older than the version of the object. MacOSX discloses an operating system comprising GUI for file management.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of MacOSX and WindowsNT (as modified by Balabine) before him/her to take the determining whether the version of the item is older than the version of the object from MacOSX and install it into the invention of WindowsNT (as modified by Balabine), thereby offering the obvious advantage of removing the user from determining if files are older/newer (or matching, since older/newer versions are determined by the computer), thereby eliminating possible error.

**Claim 17** encompasses substantially the same scope of the invention as that of Claim 8, in addition to a computer program product and some program code for

performing the method steps of Claim 8. Therefore, Claim 17 is rejected for the same reasons as stated above with respect to Claim 8.

### **(10) Response to Arguments**

Appellant's arguments dated October 23<sup>rd</sup>, 2007 with respect to Claims 1-4 and 7-20 have been considered but are not persuasive.

#### **Summary of the Appellant's Arguments**

Appellant's arguments generally hinge on how the examiner interprets the claimed "item" and "object." The claims do not limit what the claimed item or object is. As such, they can be files, folders, volumes, almost anything can apply. Items could even be items on a grocery shelf. However, in the field of the Appellant's application, one way the examiner can interpret the claims is a broadest reasonable interpretation given to the terms item and object so that both of the terms refer to two different files on a computer (herein referred to as interpretation A). Another interpretation is to consider the Appellant's arguments (referring to p. 15 of the appeal brief) that "an object...can be thought of as a subset of an item, just like a file might be a subset of a folder." Under this alternate paradigm an object would be a file and the item would be a folder (herein referred to as interpretation B). Both interpretations will be shown to be mapped to the references applied below via the response to the arguments for each argued limitation. It should be noted that although some of the applied references are not necessarily the



same as the Appellant's application, the claims are written broad enough to map to these not highly correlated references.

As to Appellant's arguments with respect to exemplary Claim 1 (including Claims 9, 10, and 18-20) for the prior art(s) allegedly not teaching or suggesting "identifying a version of the item based on a first time," the examiner respectfully disagrees.

WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2 was used to reject this limitation. The cited section explicitly teaches:

"Confirm File Replace If you attempt to copy a file or folder to a location in which a file or folder with the same name exists, Windows NT lets you know with a message that displays the selected file's and the original file's size and creation or last modification date. Click Yes to replace the file, or click No to stop the process."

The "About Windows: Confirm File Replace" reference on pp. 3 (Fig. 3) shows a dialog at least similar to the dialog referenced in the WindowsNT reference. The WindowsNT reference refers to two files with "the selected file" and "the original file." Even if you consider either one of these files as the claimed "item," the teaching clearly teaches that each of the files size, creation and modification dates are displayed in the message. The file creation date of any file is considered the version of the item based on a first time. The file creation date being displayed in the message means that the version of the item based on a first time is identified. This is how interpretation A is mapped to the claim. For interpretation B (the item being a folder), the teaching teaches that the message displayed can apply to both files or folders. As such, a folder and its creation

date being displayed with the message is identifying a version of the item based on a first time.

As to Appellant's arguments with respect to exemplary Claim 1 (including Claims 9, 10, and 18-20) for the prior art(s) allegedly not teaching or suggesting "determining whether the request affects an object associated with the item," the examiner respectfully disagrees. For interpretation A, the message dialog is displayed when names of files or folders conflict. Replacing the object or item with the item or object (respectfully) most definitely affects an object associated with the item. The request for replacement (via copying/moving) is determined to affect an object when it is determined that the object may or may not be replaced (replacement (may or may not) being determined by user input). Evidence of the claimed determination is that the message dialog is displayed when it is determined. The object and the item are associated with each other in that one may (or may not) be replacing the other. For interpretation B, and using the Appellant's remarks (brief, p. 15) that the dialog in WindowsNT can apply to a "file that is within a folder," the dialog is displayed (the computer determines) when the request (replacement/copying/moving request) affects an object (file) associated with (within) the item (folder). In other words, since the dialog message/replacement request also works for files within folders, the object file would be associated by being within the item folder.

As to Appellant's arguments with respect to exemplary Claim 1 (including Claims 9, 10, and 18-20) for the prior art(s) allegedly not teaching or suggesting "identifying a version of the object based on a second time," the examiner respectfully disagrees.

This response to this is similar to the argued limitation above regarding “identifying a version of the item based on a first time” except the item is an object, and subject matter regarding a second time. For interpretation A, the other file/folder in the message dialog maps to this limitation. For interpretation B and since the object is a file in this interpretation, interpretation A and B are the same for this argued limitation. See the argument above regarding “identifying a version of the item based on a first time” for more information if required.

As to Appellant’s arguments with respect to exemplary Claim 1 (including Claims 9, 10, and 18-20) for the prior art(s) allegedly not teaching or suggesting “completing the request based on the version of the item and the version of the object,” the examiner respectfully disagrees. The citing clearly teaches “Click Yes to replace the file, or click No to stop the process.” For interpretation A, the user must click yes or no to complete the request (either positively or negatively). The message shows the user what files conflict and the differences between them (sizes and dates (versions)) so that the user may determine how to complete/continue the request. For interpretation B, the item/folder at least, in some manner, has a version by the dates of the files within it. This is seen in that replacing a file within the item/folder changes the item since the contents of the item has changed (this would also change the item/folders modification date to the date the replacement operation occurred, solidifying the fact that the item’s version has changed). Again, the user makes the determination how to complete the request based on the dialog and the facts displayed within the dialog.

As to Appellant's arguments with respect to exemplary Claim 18 (including Claim 19) for the prior art(s) allegedly not teaching or suggesting "selectively deleting the item and the at least one associated object based on whether the first age of the item is greater than or equal to the second age of the at least one associated object," the examiner respectfully disagrees. Although the WindowsNT reference does not specifically recite "deleting" it is widely known by anyone of ordinary skill in virtually any computer art, that in replacing something, the thing getting replaced is deleted. As such, the Confirm File Replace dialog message is known to delete the file(s) or folder(s) being replaced. For interpretation A, and since this message occurs for every file/folder in the replacement operation, this is the user selectively deleting items or objects based on their age (file/folder creation/modification dates). As for deleting the item and the object, Fig. 3 of the "About Windows: Confirm File Replace" reference will be used to better describe the examiner's position. It should be noted that, as above and with interpretation A, the claimed item and object are interchangeable. So, even though the examiner, using Fig. 3 of "About Windows: Confirm File Replace," will define a file to be the item and another to be the object, these designations made by the examiner are interchangeable. Fig. 3 shows a "sample.txt" file on the desktop (desktop sample file) and another "sample.txt" file in the "Test folder," (test sample file) the "Test folder" residing on the desktop. When you move the desktop sample file to the "Test folder" using the default drag/drop mouse gestures, the dialog message appears as shown in Fig. 3 since the files are named the same. The desktop sample file is the claimed item and the test sample file is the object. When the user clicks "Yes" in the dialog, the

computer will replace the "sample.txt" file in the "Test folder" with the "sample.txt" file from the desktop. Since it is a move operation via default drag/drop, the desktop sample file (item) is deleted since it has been moved to the "Test folder" and the test sample file (object) being replaced is deleted since it gets replaced by the desktop sample file. As such, both the item and the object are deleted from where they once were. The message in Fig. 3 shows the user what files conflict and the differences between them (sizes and dates (ages)) so that the user may determine how to complete/continue the replacement operation. As such, the selectively deleting is based on the ages of the item/object and the user desires. Easily the replacement operation can either be replacing the file in the "Test folder" or replacing the file in the desktop folder (just change what file is dragged/dropped). As such one drag/drop operation will have an item ages that is greater than or equal to the second age of the associated object. Again, with this interpretation, the association is seen as the files being associated in a replacement operation (as above). Interpretation B for this claimed limitation is similar to interpretation A for this argued limitation. All that needs to be considered is that the message dialog can be displayed for files (objects) as well as folders (items). Selectively deleted the folder and it's contents (at least one associated object) based on the age of the folder and the at least one associated (since both files and folder information can be displayed in the message dialog).

As to Appellant's arguments with respect to exemplary Claim 8 (including Claim 17) for the prior art(s) allegedly not teaching or suggesting "determining whether the version of the item is older than the version of the object," the examiner respectfully

disagrees. Mac OS X (MacOSX) second tip was newly combined with the prior art references to reject this limitation. Since the prior art up to Claim 8 only displays the dates, the determination of which is older/newer is left to the user. As such, Mac OS X was used to show that the computer can determine what is older/newer instead of merely showing the data. Windows is not the only operating system that displays a message when a user is about to replace a same-named files. Mac OS X also teaches a similar dialog to that of the WindowsNT operating system, however the Mac OS X dialog specifically "tells you whether or not the version you're replacing is older or newer than the one you're moving." For interpretation A where both the item and the object are individual same-named files (or folders), this only involves determining what file (or folder) is older. This dialog in the Mac OS tell the user what file is older/newer is the Mac OS "determining whether the version of the item is older than the version of the object" as claimed. Even though the Mac OS and the Windows OS are known to be incompatible operating systems, they both have similarities (e.g. buttons, and at least the dialog message shown here). Also, just because the Mac OS can determine which file came first versus the Windows OS only displaying the dates of the files does not mean that the Windows OS is incapable of determining which files came first. All that is involved in such a determination would be a simple calculation which both computers are able to do. As such the functionality of the Mac OS determining what came first is added to the teachings of WindowsNT. Interpretation B is met in the fact that the dialog message works for both files and folders. So, the version of the folder can be determined to be older than the version of the object.

As to Appellant's arguments with respect to exemplary Claim 8 (including Claim 17) for the prior art(s) allegedly not teaching or suggesting "completing the request when the version of the item is older than the version of the object," the examiner respectfully disagrees. As shown above and taught in both MacOSX and WindowsNT, the user must click yes or no to complete the request (either positively or negatively). The message shows the user what files/folders conflict and the differences between them (sizes and dates (versions)) so that the user may determine how to complete/continue the request. Also, in interpretation A, since the item and object are interchangeable terms (since they both mean either file or folder) and considering that the item/object may be replaced either way by changing the direction and selection of the drag/drop mouse gestures, in at least one situation the item will be older than the version of the object. For interpretation B, as above, the dialog message works for both files and folders. So, the version of the folder can be determined to be older than the version of the object, thus leading the user to select an option to complete/continue the request.

Any other claims argued merely because of a dependency on a previously argued claim(s) in the arguments presented to the examiner, October 23<sup>rd</sup>, 2007, are moot in view of the examiner's interpretation of the claims and art and are still considered rejected based on their respective rejections from at least a prior Office action (part(s) of recited above).

In summary of the examiner's answer, the claims are not limiting to specifically limit what the claimed "item" and "object" are. As such, the claims can be mapped to the references applied. However, even considering subject matter not specifically claimed, but, instead, argued, the references still appear to teach the claimed subject matter.



**(11) Related Proceeding(s) Appendix**

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

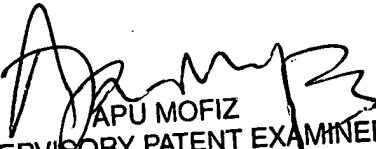
Brent Stace

*B.S.*

Conferees:

Eddie Lee

Apu Mofiz

  
APU MOFIZ  
SUPERVISORY PATENT EXAMINER